

Docket No. END 727 DIV1
Express Mail Label – EU 472 450 760 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Randy R. Stephens et al.
Serial No. : Art Unit: Not yet assigned
Filed : July 2, 2003 Examiner: Not yet assigned
Title : SURGICAL BIOPSY DEVICE HAVING AUTOMATIC ROTATION OF THE PROBE FOR TAKING MULTIPLE SAMPLES

Hon. Commissioner for Patents
Mail Stop Patent Application
PO Box 1450
Alexandria, VA 23313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

[X] In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing

date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

[] In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with [] the first or [] second After Final Submission, therefore:

- [] Statement in Accordance with §1.97(e) (attached); or
[] Please charge Deposit Account No. 10-0750/END- /ATTY
INITIALS the fee of \$180.00 as set forth in §1.17(p).

[] In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

[] Statement in Accordance with §1.97(e) (attached); or
[] Please charge Deposit Account No. 10-0750/END-/ /ATTY
INITIALS the fee of \$180.00 as set forth in §1.17(p).
[] In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under § 1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

[] Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

[X] Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

[X] Copies of references listed on the attached PTO Form 1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. 09/839,165 to which this application claims priority.

[] In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

[] If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

There are no listed references which are not in the English language.

[] The relevance of those listed references which are not in the English language is as follows:

[] Attached are copies of search report(s) from corresponding patent application(s).

[] Attached are the following non-published pending patent applications which may be deemed relevant.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/END-727 DIV1/GSG. This form is submitted in triplicate.

Respectfully submitted,



Gerry S. Gressel.
Reg. No. 34,342
Attorney for Applicants

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New Brunswick, NJ 08933-7003
(513) 337-3535
Dated: July 2, 2003

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

Application No.

Filing Date July 2, 2003

First Named Inventor Randy R. Stephens et al.

Group Art Unit

Examiner Name

Attorney Docket No. END 727 DIV1/GSG

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		Re. 34,056		Lindgren et al.	9/8/92	ALL
		4,699,154		Lindgren	10/13/87	ALL
		4,944,308		Akerfeldt	7/31/90	ALL
		4,995,877		Ams et al.	2/26/91	ALL
		5,217,478		Rexroth	6/8/93	ALL
		5,295,990		Levin	3/22/94	ALL
		5,526,822		Burbank et al.	6/18/96	ALL
		5,543,695		Culp et al.	8/6/96	ALL
		5,578,030		Levin	11/26/96	ALL
		5,602,449		Krause et al.	2/11/97	ALL
		5,643,304		Schechter et al.	7/1/97	ALL
		5,685,838		Peters et al.	11/11/97	ALL
		5,769,086		Ritchart et al.	6/23/98	ALL
		5,775,333		Burbank et al.	7/7/98	ALL

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁸
		Office ³	Number ⁴	KindCode ⁵				
		PCT	96/33652	A1		10/31/96	ALL	
		PCT	98/38919	A3		9/11/98	ALL	
		PCT	00/12010	A1		3/9/00	ALL	

Examiner Signature Date Considered

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.²Unique citation designation number. ³ See attached Kinds of U.S. Patent Documents. ⁴ Enter Office that issued the document, by the two-lettercode (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 3

Application No. _____
 Filing Date July 2, 2003
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 Group Art Unit _____
 Examiner Name _____
 Attorney Docket No. END 727 DIV1/GSG

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		Number	Kind Code ² (if known)			
		5,788,651		Weilandt	8/4/98	ALL
		5,830,219		Bird et al.	11/3/98	ALL
		5,849,023		Mericle	12/15/98	ALL
		5,891,157		Day et al.	4/6/99	ALL
		5,951,575		Bolduc et al.	9/14/99	ALL
		5,980,469		Burbank et al.	11/9/99	ALL
		6,007,497		Huitema	12/28/99	ALL
		6,019,733		Farascioni	2/1/00	ALL
		6,036,698		Fawzi et al.	3/14/00	ALL
		6,080,113		Heneveld et al.	6/27/00	ALL
		6,086,544		Hibner et al.	7/11/00	ALL
		6,093,154		Burek et al.	6/25/00	ALL
		6,120,462		Hibner et al.	9/19/00	ALL

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		PCT	00/38577	A2		7/6/00	ALL	
		PCT	00/18304	A2		4/6/00	ALL	
		PCT	99/44505	A1		9/10/99	ALL	
		PCT	99/15079	A1		4/1/99	ALL	
		PCT	98/25556	A1		6/18/98	ALL	
		PCT	95/08959	A1		4/6/95	ALL	

Examiner Signature _____

Date Considered _____

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FORM 1449/PTO

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Sheet 3 of 3

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Application Number	
Filing Date	July 2, 2003
First Named Inventor	Randy R. Stephens et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	END-727 DIV1/GSG

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner
Signature

Date
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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